

SELECTMEN'S MEETING MINUTES

August 7, 2012

Members Present: James DeVellis, Chairman
Mark Sullivan, Vice Chairman
Lorraine Brue, Clerk
Lynda Walsh

Members Absent: Ginny Coppola

Others Present: Town Manager Kevin Paicos
Marilyn Edge
Nicholas Panagolopoulos
Atty. Dean Plakias
Town Counsel Louis Cassis
Town Counsel Richard Gelerman

The meeting was brought to order at 7:00 p.m. by James DeVellis, Chairman. Chairman DeVellis reviewed the agenda.

7:00 p.m. – Citizen's Input

AJ Dooley of 75 Ridge Road and owner of Dooley Disposal stated that he has been performing household trash services for the town for four weeks now; he has two trucks working in town and has received no complaints. He came before the Board two weeks ago to address the negative remarks that were being said by some town employees and was told that it would be addressed but yesterday he was told by a customer that negative remarks were made to her by a town employee.

Mr. Dooley wanted to address three issues. The first is that he doesn't recycle; he met with the Town Manager and provided the weight slips from Miller Recycling. The second is that he won't be able to service the town; Mr. Dooley stated that he has the equipment and staff to handle the needs of the town. The third issue is that he will raise his prices; Mr. Dooley stated that he will not raise his rates to the townspeople for three years.

He would like a written public statement from the Board of Selectmen in the Foxboro Reporter apologizing and an explanation on how they will prevent future issues of negative comments from town employees.

Town Manager Kevin Paicos stated that the appropriate disciplinary actions will be taken if it happens again.

Chairman's Update:

The Fire Chief will submit his overtime analysis for the next meeting.

With regard to the Parking Bylaw, the enforcement policy needs to be resolved but it has not come back from review by the Attorney General yet. The committee submitted a letter suggesting enforcement through the police and the Building Inspector.

Marilyn Edge – Discussion of Tobacco Program funded by the Bureau of Substance Abuse.

Marilyn Edge came before the Board, she works for a state program that is a thirteen town collaborative and works with Pauline Clifford in the Board of Health's office as an unpaid agent to promote the awareness of tobacco and drugs.

Her program goes into establishments to conduct compliance checks with regard to signage and product placement and also to see if the clerks are conducting ID checks of those purchasing tobacco products. They will also be adding an alcohol education piece this year and are required to meet with the Liquor Licensing authorities in all thirteen communities.

If a tobacco sale is made to a minor in an establishment that also sells alcohol, the local liquor licensing authority will be notified. This is an informational notification only. They will be working with the police department on alcohol compliance checks also.

Ms. Edge also conducts programs on flavored nicotine products and candy with nicotine and would be willing to come to a future meeting with more information on those topics.

Other communities have regulations which make it illegal for minors under 18 to purchase tobacco products and tobacco is banned on school grounds, Foxboro does not have any of these restrictions currently.

7:20 p.m. Continued Public Hearing for Transfer of All Alcohol Restaurant License from MJ Holdings to D&N Corporation DBA Christina's Fireside Grille at 2 Washington Street with Manager being Nicholas Panagopoulos.

Atty. Dean Plakias and Mr. Nicholas Panagopoulos were present. Special Town Counsel Louis Cassis was also present. This is a continuation of a hearing from two weeks ago. Town Counsel has spoken to Atty. Plakias and was told that no agreement has been reached between the two parties. The Board needs to decide whether to transfer the liquor license or not. The application has been corrected and now notes the parties of record. Atty. Cassis advised the Board not to get involved in any monetary issues between the parties; they are only dealing with the liquor license.

Atty. Plakias stated that Mr. Panagopoulos has paid liabilities of approximately \$185,000 to preserve the right to maintain the liquor license. The current Manager Mike Intoccia will remain listed to maintain the license. There were inconsistencies with the license administration in the past. They have amended the application as requested. He also noted that the list of deposits for functions will be honored. He is requesting a transfer of the liquor license to end the mismanagement of the license to allow the

business to continue. Mr. Panagopoulos will be the manager on the license if it is transferred. There is an outstanding balance owed to the town for police details that will also be paid upon the transfer.

Town Manager Kevin Paicos met with Mr. Panagopoulos and believes he has a good reputation to be the holder of the liquor license. The Board is dealing with the license transfer only; any other issues between the parties do not involve the town. The existing license is valid; the only potential violation is that there was a transfer of owners without notification to the Board. If the current license is cancelled, any subsequent owner would not be liable for any monies owed to the town, if it is transferred, it could be contingent upon payment of monies owed.

The hearing was opened for public comment. Chris Spinazolla, one of the principals of MJ Holding, the current owners of the license, stated that he is in a difficult situation. Mr. Panagopoulos owns the building and they own the business. He stated that all parties were told an agreement was needed by August 1st or the license reverted back to the town, no agreement was ever reached. They are not in agreement to transfer the license and have not seen the application. Marjorie Claprood, another principal in MJ Holding stated that they paid taxes to the town and rent to the owner for many years. She has been receiving calls from people who have paid deposits and are being told they have to pay more. She requested copies of the application and was told it is public record.

A motion to close the Public Hearing was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 4-0-0.**

The board would like conditions on the transfer that the \$9,376.40 owed to the Police Department is paid, town counsel fees incurred by the town be paid and all event deposits made to MJ Holding be honored by D&N Corporation.

Sandra Herrmann informed the Board that the state ABCC is more concerned with the corporate party responsible for the license than the manager listed. The manager is responsible for the day to day operations of the license; the corporation is responsible for the license itself.

A motion to transfer the All Alcohol Restaurant License from MJ Holding Corp to D&N Corp with conditions that the outstanding \$9,376.40 owed to the police department be paid, any town counsel fees incurred be paid and to hold liable all deposits presented to date (August 7, 2012) was made by Mr. Sullivan and seconded by Ms. Brue.

The motion carried 3-1-0 with Mr. DeVellis opposed.

Mr. Panagopoulos presented a check in the amount of \$9,376.40 to the Town Manager for the outstanding police detail bill.

Attorney General Fine of National Grid

Town Manager Kevin Paicos updated the Board that the Attorney General has fined National Grid regarding Tropical Storm Irene. It has not been finalized, but National Grid will appeal, it is not known if funds will be made available to individual citizens. The town had 75% of the costs reimbursed through the state disaster declaration.

FY13 Goals and Objectives

Mr. Paicos has submitted a list which shows the responsibilities of the Board of Selectmen, joint Boards and the Town Manager. This will be distributed to the Department Heads for comments and addressed on a future agenda.

Gift Acceptance Policy

Mr. Paicos stated that the current policy is that the Town Manager can only accept gifts/donations on behalf of the town of up to \$100 and would like to know if the amount should be increased. The Board likes to publicly acknowledge gifts and would like to keep the current policy as is.

Appointment of Kraft Organization/Business Opportunities Discussion Group

A group has been formed with members from the Board of Selectmen, Board of Water and Sewer Commissioners, Planning Board and citizens. They need to be officially appointed by the Board. The goal and objective of the group is to learn from the Kraft organization what they are asking of the town in regards to specifics and timelines. It is not a negotiating committee and is open to the public. Each member will report to their respective Board or Committee. The executive session minutes from the first meeting will be released at the next meeting. The reason for the executive session was to discuss the stadium tickets money that is received by the town under the lease agreement.

A motion to appoint Kevin Weinfeld of the Planning Board, William Euerle of the Board of Water and Sewer Commissioners, Lynda Walsh of the Board of Selectmen and resident David Brown to serve on a public advisory committee that may serve the Town of Foxborough as well as assist their development needs. Mr. Weinfeld, Mr. Euerle, and Ms Walsh are to serve in their respective capacities as members of the Boards they represent. The committee shall report back to the Board of Selectmen and to the Board of Water and Sewer Commissioners its findings and recommendations. When and if there is a matter before the Planning Board relating to these recommendations, the committee shall at that time report to the Planning Board was made by Ms. Brue and seconded by Mr. Sullivan. **The motion carried 3-0-1 with Ms. Walsh abstaining.**

Ms. Walsh then made a statement disclosing an appearance of conflict of interest as required by Mass General Laws. A copy of this disclosure is attached to these minutes. Mr. DeVellis stated that he will also be filing a disclosure statement.

Mr. Paicos stated that the Kraft organization has offered to reimburse the town up to \$10,000 for legal or clerical expenses related to this committee. He advised the Board that it is appropriate to accept this reimbursement. The Town Manager or Board of Selectmen vote will still be needed for Town Counsel involvement.

Action Items:

Kevin Matthews of Alliance Rental Group, LLC for a Class 2 Auto License at 3 Phelps Drive. The autos will not be displayed at this address.

A motion to approve the application for a Class 2 Auto License at 3 Phelps Drive with the condition that there are no displays or sales at the premises was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 4-0-0.**

Keith Hodson of Foxborough Fire Local 2252 for a request to hold the MDA Boot Drive on Saturday September 15, 2012 from 9 a.m. to 1 p.m.

A motion to approve the request for the MDA Boot Drive was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 4-0-0.**

Amy Higgins submits a request to block off Connie Drive where it meets Carmine Avenue and Linda Street to hold a neighborhood block party on Saturday August 11, 2012 from 1 p.m. to 9 p.m.

Chief O'Leary has requested that there be no drinking of alcoholic beverages on the public way.

A motion to approve the request to block off Connie Drive at Carmine Avenue and Linda Street on Saturday August 11, 2012 from 1 p.m. to 9 p.m. with no drinking allowed on the public way was made by Mr. Brue and seconded by Mr. Sullivan. **The motion carried 4-0-0.**

Town Planner Sharon Wason for the adoption of the Housing Production Plan.

Two weeks ago the Board asked Ms. Wason to bring the Housing Production Plan to the Planning Board for review. They reviewed and adopted the plan at their meeting on July 26th.

A motion to accept the adoption of the Housing Production Plan was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 4-0-0.**

A certificate will be sent to the state.

A motion to adjourn the meeting at 9:17 p.m. was made by Mark Sullivan and seconded by Lynda Walsh. **The motion carried 4-0-0.**

Respectfully Submitted,

Diana Gray

Lorraine Brue, Clerk